UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

THE UNITED STATES OF AMERICA, Plaintiff, v. 10.64 ACRES OF LAND, more or less, situate in STARR COUNTY, STATE OF TEXAS; and UNKNOWN OWNERS, ET AL., Defendants.	)	Civil No. COMPLAINT IN CONDEMNATION [With Declaration of Taking] [40 U.S.C. §3114]

COMPLAINT IN CONDEMNATION

1. This is an action of a civil nature brought by the United States of America, at the request of the Secretary of the Department of Homeland Security, through the Acting Executive Director, Asset Management, of U.S. Customs and Border Protection, for the taking of a temporary interest in property, under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest. Jurisdiction for this action is conferred by 28 U.S.C. Section 1358.

2. The authority for the taking of a temporary interest in property is under and in accordance with the Act of Congress approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208,

Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

3. The public purpose for the taking of the temporary interest in property is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, and related structures designed to help secure the United States/Mexico border within the State of Texas.

4. A general description of the land subject to the temporary interest being taken by the United States is set forth in Schedule "C" attached to the Declaration of Taking filed in this action and made a part hereof, and a plan or plat thereof is shown on Schedule "D" attached to the Declaration of Taking and made a part hereof.

5. The temporary interest being acquired in the property is described in Schedule "E" attached to the Declaration of Taking and made a part hereof.

6. The names and addresses of known parties having or claiming an interest in said property are as follows:

Owners Unknown
Address Unknown

7. In addition to those persons named, there are or may be others who have or may have some interest in the property or interests to be taken, whose names are unknown to the United States, and such persons are made parties in the action under the designation "Other Interested Parties."

WHEREFORE, Plaintiff United States of America demands judgment that the property and interests be condemned, and that just compensation for the taking be ascertained and awarded, and such other relief as may be lawful and proper.

Respectfully submitted,

DONALD J. DeGABRIELLE, JR.
United States Attorney

By: /s/ Charles Wendlandt

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